

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IRENE PANAS, on behalf of
M.E.M., a minor,

Plaintiff,

v.

No. CIV 17-0364 WJ/JHR

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on the Proposed Findings and Recommended Disposition ("PFRD") of Magistrate Judge Jerry H. Ritter [Doc. 48], filed on July 26, 2020. The PFRD recommends that Plaintiff's Motion for Attorney Fees Pursuant to Equal Access to Justice Act, with Supporting Memorandum [Doc. 44], be granted, and that she be awarded attorney fees in the amount of **\$20,736.30** as permitted by 28 U.S.C. § 2412, payable to Ms. Panas but mailed to her attorney, for the work her attorney performed before this Court and the United States Court of Appeals for the Tenth Circuit. [Doc. 48, pp. 10-11 (citing *Astrue v. Ratliff*, 560 U.S. 586 (2010))].

As required by law, the PFRD notified the parties of their ability to file objections and that failure to do so waives appellate review. To-date, neither party has filed objections.

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Magistrate Judge Ritter's Proposed Findings and Recommended Disposition [Doc. 48] is **ADOPTED** by the undersigned District Judge;

2. Plaintiff's Motion for Attorney Fees Pursuant to Equal Access to Justice Act, with Supporting Memorandum [Doc. 44], is therefore **GRANTED**;
3. Defendant is ordered to pay **\$20,736.30** to Ms. Panas (mailed to her attorney) as permitted by 28 U.S.C. § 2412; and,
4. If Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



CHIEF UNITED STATES DISTRICT JUDGE